

Southeastern Wisconsin Regional Planning Commission
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RURAL CLUSTER DEVELOPMENT



1. WHAT IS RURAL CLUSTER DEVELOPMENT?

Rural cluster development is a form of residential development in rural areas that preserves open space, while permitting development at densities no less than that permitted under conventional development in rural areas.

Developments built under cluster regulations concentrate the permitted number of lots on a small portion of the tract, leaving the remaining portion in open space. This concentration of lots is made possible by reducing the minimum lot size. Even though lot size is reduced, the number of permitted lots (density) is not increased.

2. WHY SHOULD A COMMUNITY CONSIDER PERMITTING RURAL CLUSTER DEVELOPMENT?

When a community begins to be dissatisfied with the results of conventional residential development, and feels that its rural character is being lost due to that development, the community may want to consider the benefits of rural cluster development.

3. WHO BENEFITS FROM RURAL CLUSTER DEVELOPMENT?

- a. Municipalities benefit because their objective of preserving open space and the rural character of the community can be met, with little or no cost to the municipality.
- b. Existing residents of the community benefit because they would be able to enjoy the continued rural character of the development tract as they drive, bicycle, or walk by.

- c. Future residents of the development benefit by being able to live next to permanent open space.
- d. Developers benefit because they can build at least the same number of houses as conventional zoning would permit and may be able to market a more desirable product. Developers may also be granted a bonus number of lots, if zoning permits it.
- e. Landowners, often farmers planning for retirement, benefit because the development potential of the land is preserved, land values are not reduced, and profits from future sales of land are not diminished.

4. CAN PRIME AGRICULTURAL LANDS BE SAVED WITH RURAL CLUSTER DEVELOPMENT?

Yes, but there is no guarantee that the farming operations that previously existed can continue. Cluster development should not be considered a primary form of agricultural preservation, because, just like with conventional development, when people, houses, and traffic are injected into farming areas, some conflicts will occur. For true agricultural preservation, the best zoning technique to use is exclusive agricultural zoning.

5. IS RURAL CLUSTER DEVELOPMENT A SOLUTION TO SUBURBAN SPRAWL?

Only partially. Cluster development reduces the visual impact of suburban sprawl, but the number of people, houses, and cars in the countryside will be the same as under conventional development. Thus, traffic impacts and demands on infrastructure will be about the same as under conventional development. The appearance of that development, however, will be very different in that much of the new housing will be less intrusive on the landscape, existing views from rural roads can be preserved, and large areas of environmentally sensitive lands and open space can be protected from development permanently.

6. HOW IS THE OPEN SPACE PROTECTED FROM FUTURE DEVELOPMENT?

The key to permanent protection is to involve numerous unrelated parties, each having an interest in preserving the open space. The open space would usually be owned by the members of a homeowners association, as "tenants in common"—that is, as undivided, proportional interests. Each of their deeds would include a percentage interest in the ownership of the open space and restrictions on development of the open space. For the open space to be developed, all members of the association would have to agree to do so. In the unlikely event that all members would reach such an agreement, a second layer of protection can be added to further preclude development.

The municipality or a conservation organization, or both, should also hold a conservation easement on the open space, further protecting it from development. For development to

occur, all parties would have to agree to permit it. Percentage ownership with individual deed restrictions coupled with outside parties holding conservation easements on open space has proven to be a very effective means of permanent open space preservation in cluster development. Even if the municipality rezoned the open space lands to permit development, multiple easements and deed restrictions would make development very difficult.

7. HOW CAN A COMMUNITY IMPLEMENT RURAL CLUSTER DEVELOPMENT?
Implementation of rural cluster development will generally follow four steps:

- a. Identification of areas suitable for rural cluster development in the land use plan element of the community's comprehensive plan. If the community has no existing land use plan, it is recommended that such a plan be adopted prior to the implementation of rural cluster development.
- b. Adoption of cluster development regulations in the local zoning ordinance.
 - 1) Zoning map
 - 2) Zoning regulations
 - 3) Design requirements
- c. Adoption of cluster development regulations in the local subdivision control ordinance.
 - 1) Subdivision regulations
 - 2) Design requirements
- d. Delineation on the local official map of possible street and lot layouts showing desirable locations for:
 - 1) Street connections between tracts
 - 2) Open space areas
 - 3) Environmental preservation areas

8. WHAT ARE SOME OF THE TYPICAL DESIGN REGULATIONS FOR GOOD CLUSTER DEVELOPMENT?

Well-prepared municipal ordinances should include regulations not only for density and lot size, but also for the design of both the cluster groups and the open space. Most of these regulations would be included in the zoning ordinance, but some will be included in the subdivision ordinance. Examples follow.

Cluster Groups:

- a. The size of cluster groups should be limited.
- b. Open space should be located within cluster groups.
- c. Cluster groups should be separated from each other by open space.

Open Space:

- a. Open space should be of sufficient size and shape.
- b. Open space should be connected and continuous.

9. WHAT IS THE REVIEW PROCESS FOR CLUSTER DEVELOPMENTS?

The review of the preliminary and final plans for a cluster development proposal should follow the same basic procedure as the review of a conventional development proposal. However, special hearings may be required if the municipality chooses to do so. If cluster development is permitted by right, no special hearings are required. Likewise, if it is mandatory, usually no hearings are required. If it is permitted by conditional use, hearings will usually be required.

Three issues specific to cluster development should be noted:

- a. In all cases, informal pre-application meetings should be held between the developer and the municipal plan commission and/or staff to resolve design issues before costly engineering is completed.
- b. To enable the plan commission and/or staff to properly evaluate a design including road, lot, and open space layout, a site analysis should be submitted identifying all important topographic, environmental, vegetative, and cultural features on the site that impact the design. The site analysis should be completed for use in the pre-application meeting.
- c. Because design issues should always be reviewed prior to approval, the use of certified survey maps (CSMs), which would eliminate most of the review process, should not be permitted for cluster development.

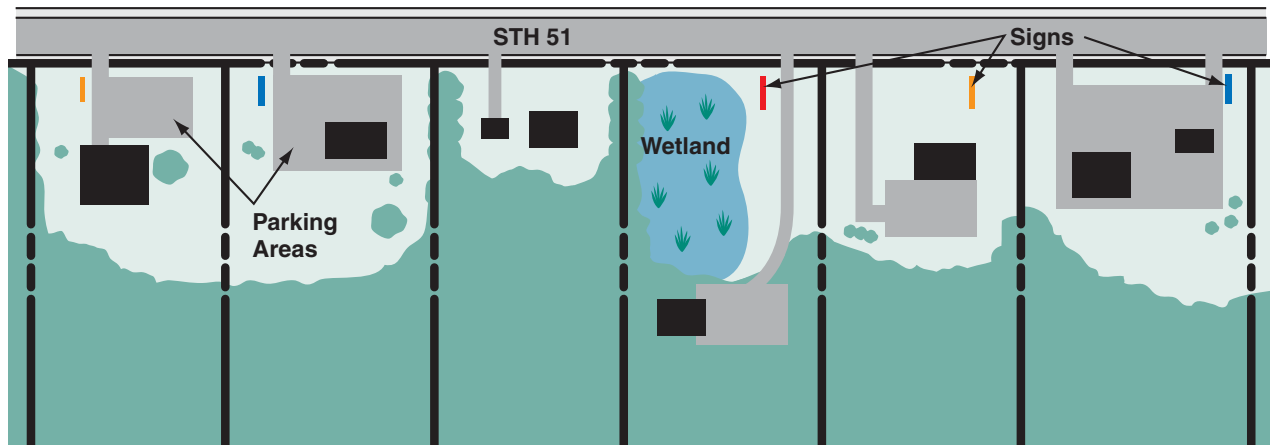
10. IF HOUSES ARE CLUSTERED ON SMALLER LOTS, HOW WILL SEWAGE DISPOSAL BE HANDLED?

Three types of sewage treatment systems are applicable to cluster development: private individual systems—serving a single lot; public community systems—centralized systems serving a specific development or one or more cluster groups; and public municipal systems—centralized systems serving one or more municipalities.

Individual or community systems may be located within the common open space.

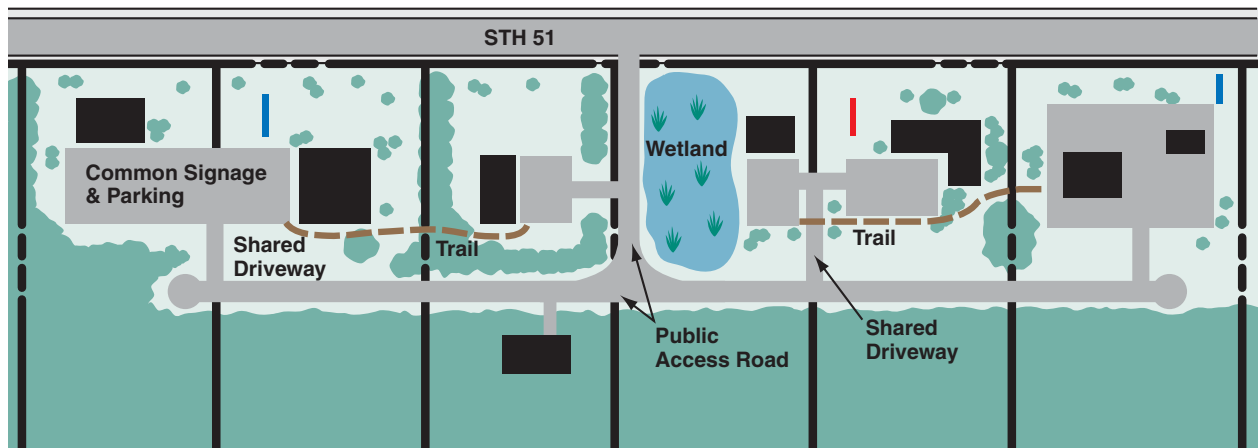
Public community systems must be owned and operated by a general-purpose unit of government (such as a town, city, or village), or a special-purpose unit of government (such as an existing sanitary district).

Alternative Commercial Development Option: Internal Frontage Access



Typical Development Pattern/Roadside Strip

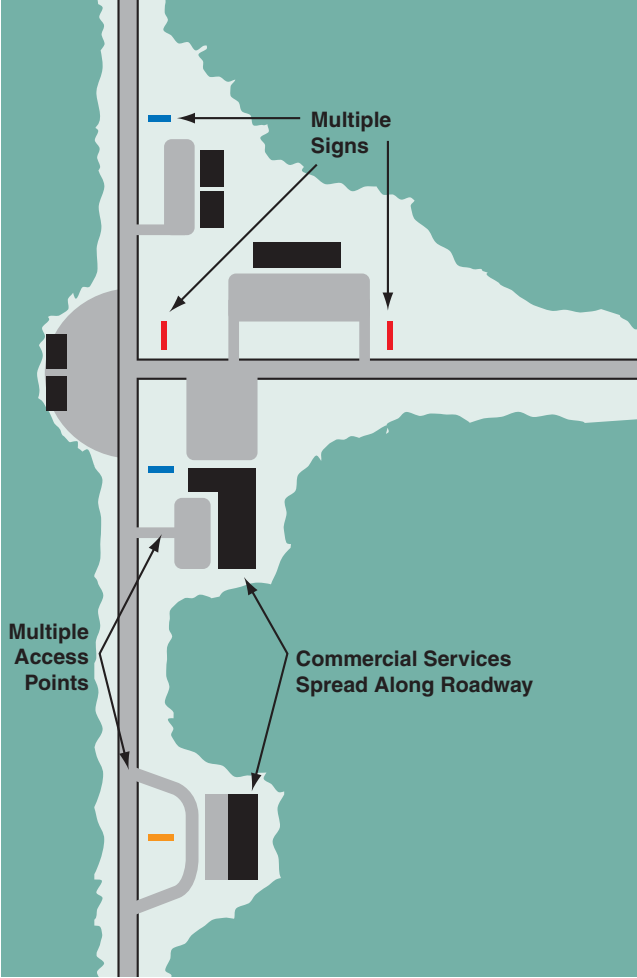
- ◆ 6 frontage lots on road.
- ◆ Individual access for each lot; multiple access points.
- ◆ Potential disruption of traffic flow.
- ◆ Dispersed buildings; little potential for combined uses and parking.
- ◆ Commercial uses spread out along road.
- ◆ Potential loss of Northwoods character



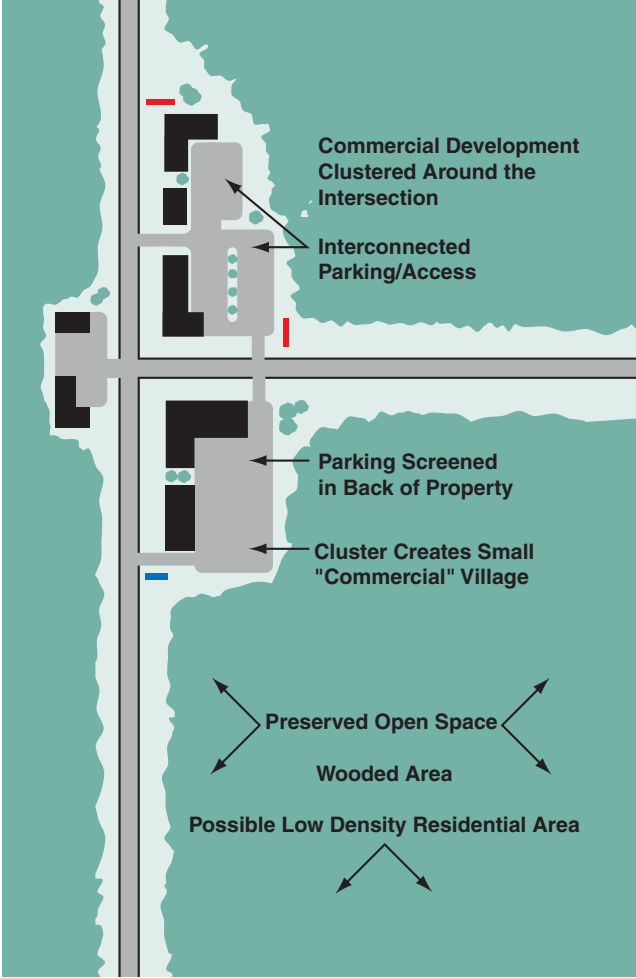
Cluster Development Pattern

- ◆ Single access to road improves safety and serves internal development patterns.
- ◆ 6 lots with road frontage; internal access to development.
- ◆ Coordinated signage and parking areas.
- ◆ Storefronts face road; parking in rear and side of building improves rural character.
- ◆ Shared driveway to lots provided to reduce cost and improve safety.
- ◆ “Frontage” road development allows additional development in rear of frontage lots.
- ◆ Trail provides for pedestrian movement between businesses.
- ◆ Perception of development improves versus roadside strip

Alternative Commercial Development Option: Node/Intersection Cluster



Typical Road Development



Node/Intersection Cluster

Key recommendation for either development option:

Proposed planned unit development requirements as condition of Town approval.

◆ Detailed Site Requirements:

- Existing and proposed building locations
- Access/driveway location
- Parking
- Easements/pedestrian access
- Setbacks/offset dimensions
- Natural features/wetlands
- Signage location
- Lighting
- Grading/drainage
- Buffering
- Landscaping



Clustering

Frequently Asked Questions (FAQ)

Who owns the open space?

There are options:

- ◆ Individual landowner, in conjunction with a permanent conservation easement.
- ◆ Homeowners association. Basic ground rules include:
 - automatic membership as condition of property purchase
 - association bylaws should have legal right to place liens on members who fail to pay dues.
 - detailed maintenance plans for conservation areas required and approved by municipality.
- ◆ Land trusts. Hold easements or fee simple title to ensure conservation of lands.
- ◆ Municipality/other public agency.
- ◆ Combinations of the above.

Who maintains the open space?

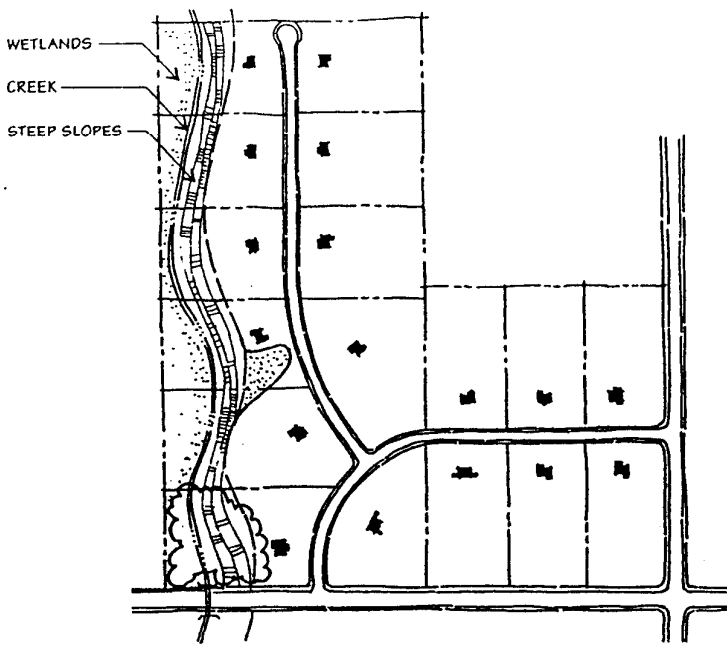
- ◆ Typically whoever owns the open space.
 - Local officials should require conservation area management plans be submitted and approved prior to final subdivision approval.

What are the tax implications?

- ◆ Property tax assessments on conservation subdivisions should not differ, in total, from those on conventional developments.
- ◆ Density of development is typically the same, or slightly greater than conventional development.

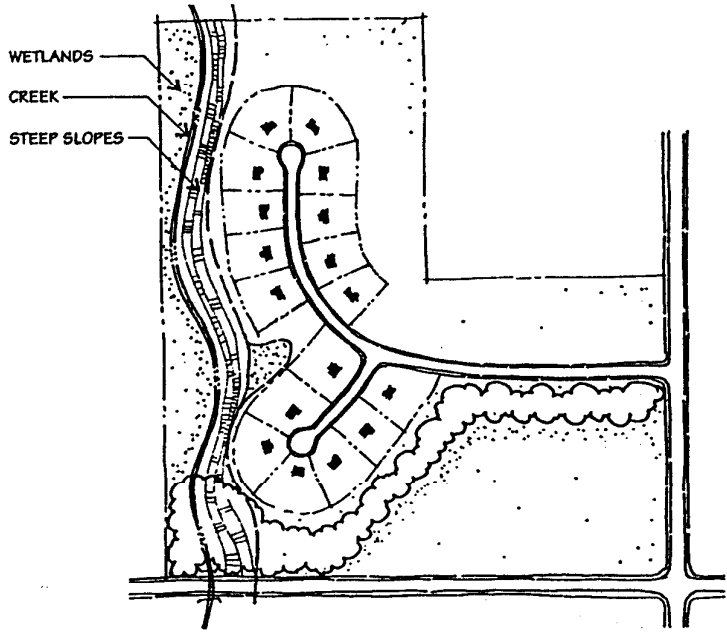
What about liability issues?

- ◆ Wisconsin's recreational use statute (895.52) protects private property owner's responsibility for injury to people who use their land for recreation.
- ◆ Recreational activity defined as "any outdoor activity undertaken for the purpose of exercise, relaxation or pleasure, including practice or instruction in any such activity, except for team sports.
- ◆ Property owner may be liable for an injury to a recreational user if:
 - owner neglects to warn about a known hazard.
 - owner has malicious intent to injure the user.
 - guest injured near owners home.
 - owner collects substantial amount of money from users.



CONVENTIONAL DEVELOPMENT
EACH RESIDENT CAN ACCESS 5-6 ACRES

Acre: 100
Lots: 17
Density: 1 Dwelling Unit / 6 Acres
Minimum Lot Size: 5 Acres
Common Open Space: 0



CLUSTER DEVELOPMENT
EACH RESIDENT CAN ACCESS 76 ACRES
(1-ACRE LOT PLUS 75 ACRES OPEN SPACE)

Acre: 100
Lots: 17
Density: 1 Dwelling Unit / 6 Acres
Minimum Lot Size: 1 Acre
Common Open Space: 75%

FIG. 1 Through a reduction in lot size, open space can be created without losing density.

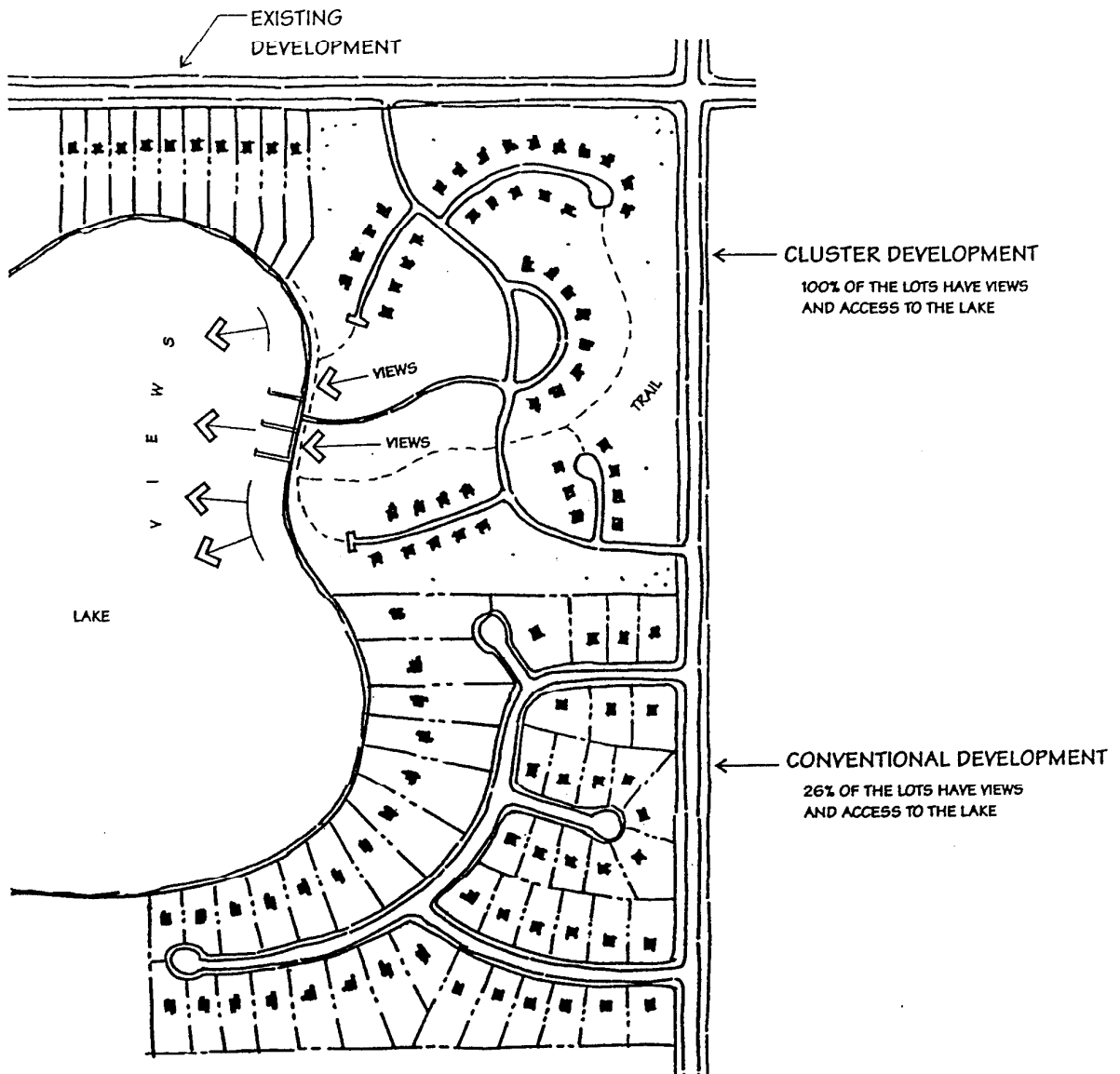
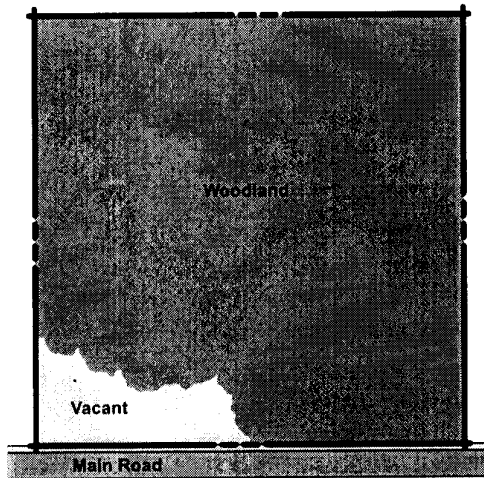


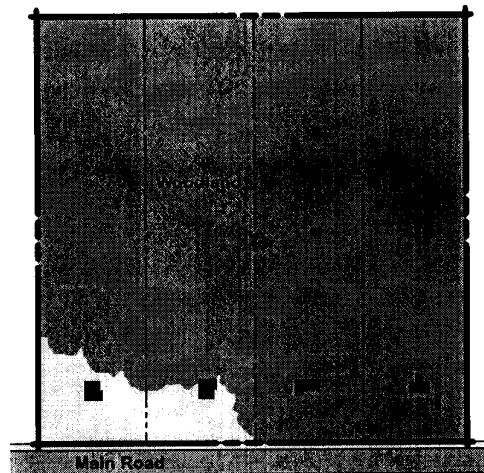
FIG. 3 Lakefront development using cluster designs can provide lake views and access for all residents.

Clustering To Preserve Woodlands and Forests



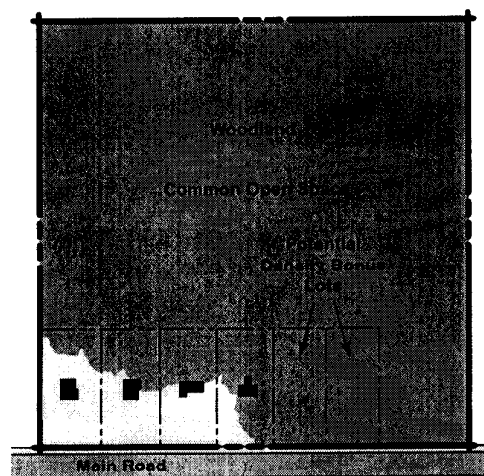
Undeveloped Land

- ◆ Woodlands on this parcel are part of a large forest complex consisting of sugar maple, yellow birch, white pine and red pine.



Conventional Subdivision

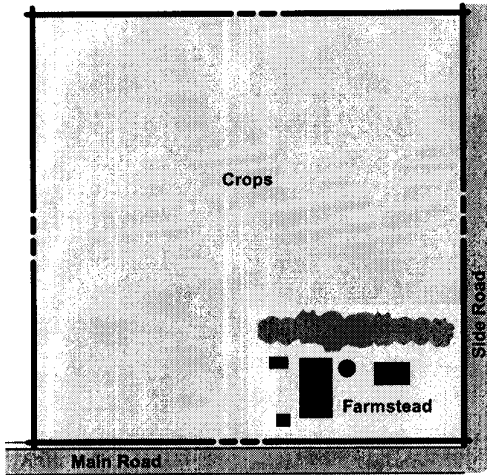
- ◆ 10 acre minimum lot size and requirement that no new roads be built to accommodate development, results in excessively deep and narrow lots.
- ◆ Landowner or developer creates large lots that fragment woodlands.
- ◆ Typical result of conventional zoning regulations.
- ◆ Minimum lot size = 10 acres.
- ◆ Density = 1 dwelling unit per 10 acres.
- ◆ No common open space.



Conservation/Cluster Subdivision

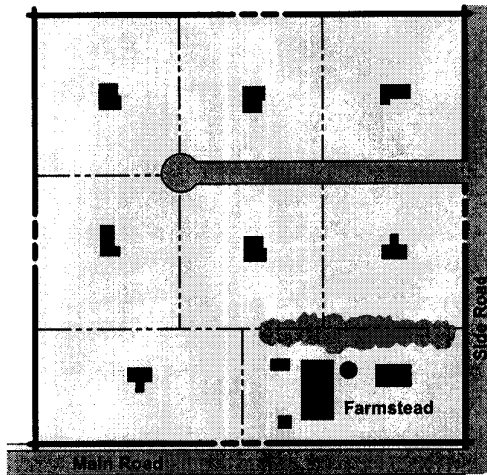
- ◆ Clustering of residential development preserves forest and wildlife habitat.
- ◆ Diversification of lot sizes.
- ◆ Incentive for cluster development via density bonus (i.e. additional lots allowed).
- ◆ Potential 50% density bonus if development located near existing road and management plan for forested open space required prior to final subdivision approval.
- ◆ 31 acres common open space/75% open space. Minimum lot size 1.5 acres; Density = 1 dwelling unit per 6.6 acres with bonus applied.
- ◆ Each resident has a smaller lot; however, residents have access to a network of open space for active and passive recreation.

Clustering To Preserve Rural Character and Farmland



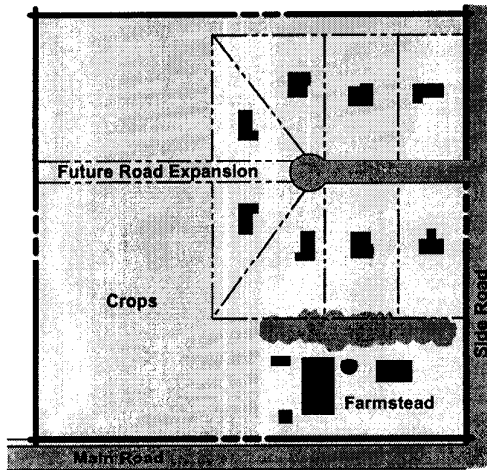
Undeveloped Land

- ◆ 40 acre parcel consists of prime farmland and contains the original farmstead built in mid-1800s.



Conventional Subdivision

- ◆ Development of an open field maximizes the negative visual impacts of large lot suburban development.
- ◆ Prime farmland developed and no longer available for food production.
- ◆ Rural character lost.



Conservation/Cluster Subdivision

- ◆ Nearly half of farmland preserved.
- ◆ Same number of building sites on smaller lots.
- ◆ Views and rural character are preserved.